

THE DAILY CONSTITUTION: SATURDAY MORNING, AUGUST 3, 1878.

INDEX FOR ADVERTISEMENTS ON FOURTH PAGE.

An advertisement in this column charged ten cents per word, each insertion, to be paid in advance. No insertion, except by express, will be accepted after the date of publication.

A DIVIDED MARCHMENT.—When property is claimed at court, the very question which arises is, was it intended to be used, and that is not as valuable for this purpose as if it had been spread over the whole tract.

W. A. FRED.

HAVING closed my store for a few days, I want and will continue to buy second-hand clothing at No. 33 N. Fifth Street. G. Salomon, 99. Aug. 3.

CLOTHES WANTED.—Also, House Girl. Apply to Mr. Marcellus, street, to Mark W. Johnson &c Co., 15 Aug. 3.

WANTED.—Three first class, assortment of fine clothes for a child. Call at Stewart & Faust's, 59 Whitehall Street.

W. H. JONES. Jarvis & Jones, 44 Little Street, Atlanta, Ga. 20 Aug. 3.

USELESS WANTED.—White cloth, to take N charge of a child one year and a half old. Apply at 25 Marietta street. 7 Aug. 3.

FOR RENT.

FOR RENT.—At \$10 per month, a nice three room Cottage and Kitchen, lot 102, located near Franklin, Ga. Apply to W. L. Shultz, 58 Marietta street. 27 July 3.

FOR SALE.

O'LOUETT & CO. have a sale No. 1 Commerce Lock Iron Safe. Made by American safe Co. Good safe. 28 Aug. 3.

FOR SALE.—Four passenger carriage top. Has been used very little. Can be bought cheap. Jarvis & Jones, 44 Little St. 20 Aug. 3.

FOR SALE.—My Residence, furnished with all the comforts. 17 Washington Street, R. J. Summers. 28 Aug. 3.

HORSES.—The largest and best Cotton Ware Horses at Anson, Georgia, known as the Loyalist Horses. They were bred from the best stock. From one Western and Atlantic Rail road 15 feet with a full track and platform; on horseback. They are now in the city of Atlanta, Georgia. Commission and Storage business. Apply to L. J. Hill, Cather Atlanta Savings Bank. 15 July 3. Close them next sat.

FOR SALE.

B. THIBAUT'S MINERAL WATERS on draft at B. Thibaut's at 8th and Marietta's Pharmacy, corner W. Hillard and Marietta streets. 18 Aug. 3.

SUMMER CLOTHES.—I wish to change my business will sell until further notice, at less than actual wholesale cost the largest and most complete stock of men's and women's blinds and sets ever offered in Georgia. Send for price list. Orders with the cash promptly paid and satisfied, Atlanta, Ga. 18 Aug. 3.

ADULTERATED.

WHITE PINE, BIRCH, LOUDEN, BLINDS, FAIRIES, WOOD, GLASS, &c. December 100. 18 Aug. 3.

ADULTERATED.

O'LOUETT & CO. sell to day young Horse, Rockwood, and Harness, Horse six years old, sound and gentle, can be driven by any boy, also two good rock Horses. 21 Aug. 3.

THIS DAY, SATURD. Y. 3d, 9% o/c K. D. Edwards, 200, will sell in front of his Furniture, Crocker, Glass-W. Lighting, Dr. Goods, etc. 21 Aug. 3.

O'LOUETT & CO. sell to day the Walnut Hands, Bureaus, Wash.-back, Cook Cases, Table, Chairs, Matresses, Bedsteads, Carpet, Hat, Girocane, &c. 21 Aug. 3.

ADULTERATED.

MR. HAYES'S SUCCESSOR.

ATLANTA, GA.

SATURDAY MORNING, AUGUST 3, 1878.

The rapid growth of the national party, whether real or fancied, bids fair to lead to the placing of three presidential tickets in the field; and to the changeable nature of the voting population of some of the northern states it is by no means improbable that upon the forty-sixth congress will devolve the task of electing a president. This contingency is just now the subject of considerable speculation and political effort. All appreciate the importance of securing the congress that in any event will have the counting of the votes cast in the present presidential election. In these days when the count is more powerful than the ballot themselves, it is well to select only tried and true counters—men who will count in accordance with the law and the popular will, and never against either.

In case of a failure to elect a president both by the people and the house, the senate would be called upon to elect a vice-president, who would become president. The present senate could not, under the constitution, readily elect a vice-president, as neither party controls a majority of the state delegations. Even delegations are divided between the parties, and there could, therefore, be no party election, since a majority of all the states is necessary to a choice. But this difficulty will disappear on the fourth day of next March, when the democrats will have not only a majority of the senate, but also a majority of the delegates of more than half of the states.

The election of a president will however scarcely go to the senate; that is a very remote contingency; it may however devolve upon the next house. The present house is like the present senate in the respect that it could not consummate a party election, as neither party controls a majority of the states, although the democrats have seventy majority. Each party controls the delegations of eighteen states—leaving Florida and California evenly divided—merely nullifies for such a contest.

To elect a president twenty state delegations are needed. It is reasonably certain that the republicans will control the delegations of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Indiana, Illinois, Michigan, Iowa, Wisconsin, Minnesota, Kansas, Nevada and Nebraska—total, fourteen. The democrats will more certainly carry the delegations of Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Kentucky, Tennessee, Missouri, Arkansas, Texas, Oregon and West Virginia—total, sixteen. Oregon was considered doubtful, but she has elected her solitary member, and he is a democrat—a gain of a state, so far as the question of electing the next president by the house is concerned. The debatable ground includes Pennsylvania, Connecticut, New York, New Jersey, Ohio, Florida, California and Colorado—eight in number. We give the political divisions of the delegations of these doubtful states in the present house, as an aid to understand the situation:

Dem. Rep. 3 17
New York. 16 17
New Jersey. 16 17
Ohio. 16 17
Pennsylvania. 10 17
Maryland. 10 17
Virginia. 10 17
North Carolina. 9 17
South Carolina. 9 17
Georgia. 10 17
Alabama. 10 17
Mississippi. 10 17
Louisiana. 10 17
Arkansas. 10 17
Texas. 10 17
Oregon. 10 17
West Virginia. 10 17

POSTSCRIPT.

This two-thirds rule is a windfall this year, sure enough.

The home organ of the Independents in the fifth district is not standing up to its congressional candidate as it should.

The dark horses should bless their stars for the two-thirds rule. But the dark horses may be a superior breed, and in that case the people are the ones to rejoice.

The third district and its railroad system do not work well together. The latter makes Macon the political center of the district, which does not suit either.

GENERAL T. C. M. SMITH has not got a high opinion of Colons' "Theater" in the congressional race. This is a little singular, as they are both pronounced independents. Mr. Smith says that the contest was put off by the stamp that he ought not to be blamed for trying to drown the memory of a vote that helped to seat Hayes.

HEREDITARY politics is becoming the fashion. The Shermans and the Camerons are great political families, and now the Hamline are to be added to the list. The old man talks of resigning, after the manner of the older Cameron, his son-in-law. The veteran schemer will devote, it is said, the rest of his life to the promotion of his nieces little family scheme. No one believes, however, that he will willingly go out of office.

In the multiplicity of candidates, it is thought that Beverly Douglas' chances for renomination are good. He claims that his vote in favor of the electoral commission changed him in a single day from a total abstention man to the very reverse, and he urges upon the stamp that he ought not to be blamed for trying to drown the memory of a vote that helped to seat Hayes.

As the time approaches for the assembling of the legislature, candidates for the places in its gift multiply. Wm. A. Harris, of Worth, and C. H. Williams, of Atlanta, want the secretaryship of the senate, while among the candidates for the clerkship of the house may be mentioned E. P. Speer, Mark A. Hardin, S. A. Pughes of Savannah, and R. H. Goethics of Columbus. The aspirants for judgeships and solicitorships are altogether too numerous for mention.

HON. JOEL A. BILLUPS.

Our special telegram from Gainesville announces the nomination by acclamation of Hon. Joel Albert Billups, of Morgan. While such a result was not altogether unforeseen by those who were aware of the sharp antagonism between the friends of Hon. Hiram P. Bell and Hon. H. H. Carlton, the nomination will be received with surprise and gratification by the voters of the ninth district—surprise that the antagonism between the two prominent candidates should have been so happily reconciled, and gratification at the choice of the man. No better selection

could have been made. It was very strongly hinted that Mr. Bell was nominated by the convention, the followers of Carlton would vote for Speer, and it was threatened, on the other hand, that if Carlton was nominated the mountain counties would support the independent candidate. Such an unfortunate division is entirely obviated by the nomination of Colonel Billups. He antagonized no one. He was not a candidate for the office. It can not be claimed that his nomination was the result of "the machinery" which Mr. Speer and his friends have lately discovered in party conventions. It was spontaneous. There was no sign of dissent. His very name elicited tremendous applause, and his nomination carried the convention by storm. If our special dispatch is to be credited—and we have reason to believe that it was most carefully prepared—the enthusiasm for Col. Billups was spontaneous and irresistible—so much so that some of the delegates wondered among themselves why his name was not presented earlier in the balloting. Affairs could not have taken a happier turn, and we feel sure that both the other candidates will accept the result gracefully and heartily, and work for the success of the nominee, who it is stated in our special telegram from Athens, has already accepted the responsibilities imposed upon him by the convention.

Colonel Billups is about fifty years old, and is recognized as one of the best stump speakers in the state, although neither his inclinations nor his duty has led him of late years to exercise his gifts in that direction. He was born in Clarke county, and has always been closely identified with the people. Before the war he was an old line whig, and during the memorable canvass between Joe Brown and Ben Hill for the governorship, he made a reputation in Georgia as one of the most forcible, fluent and eloquent of our stump speakers. Time has but ripened his abilities, and he will make one of the most vigorous and impressive campaigns ever known in Georgia. His private life and his public record are absolutely above reproach. They can not be attacked either openly or by innuendo, and in meeting him upon the stump, Mr. Speer (if, indeed, he is not inclined to follow the example of Dr. Felton) will be compelled to confine himself strictly to advocating the one man principle as opposed to the principles of the democratic party. Colonel Billups is, as we have said, one of the most impressive speakers in the state, full of humor, eloquent, incisive, vigorous and a man of great personal magnetism. The democracy of the district may trust their banner to his hands with the assurance that he will carry it to victory.

First.—That the killing was not done under the color of law, but in violation of the federal revenue laws. This offense was only a misdemeanor, and the intent of the犯人 was to commit the killing of the party charged. The circumstances of the killing, as set forth by the persons themselves, do not make such a case of resistance as justified the killing.

Second.—That such killing was done in necessary self-defense as a legal, that is, a common law defense, and the killing was not done in violation of the constitution of the United States.

Third.—The judicial power of the United States is defined and limited by the constitution, and the United States court has no jurisdiction of the matter involved in the case, because the trial of the cause must be had in a court of justice of the state, and because congress has nowhere conferred such jurisdiction of the crime of the territory and jurisdiction, the United States had no jurisdiction.

Fifth.—The circuit court could not, under the constitution, sustain jurisdiction of the case, transferred, as it was, from the circuit court of Appeals to the Supreme Court.

Judge Kershaw closes his opinion with the reminder that his decision may be reviewed by the state and United States supreme courts, and says: "The determination of the latter court would be final and conclusive, and with entire fidelity be sustained by the courts below."

The determination of the latter court will be final and conclusive, and by virtue of habeas corpus was then issued by the clerk of the United States circuit court for the district of South Carolina to take the prisoners out of the hands of the state courts, but this writ was not obeyed by the sheriff, and the judge remanded the case to the state circuit court.

On the 21st of June, 1877, the state circuit court, having found true bills for murder against the revenue officers, as in duty bound, the judge remanded the case to the state circuit court, and when the case came on at the latter place heard and refused a motion to transfer the proceeding to the United States court. The points of Judge Kershaw's decision are as follows:

First.—That the killing was not done under the color of law, but in violation of the federal revenue laws. This offense was only a misdemeanor, and the intent of the犯人 was to commit the killing of the party charged.

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Fourth.—That the trial of the cause must be had in a court of justice of the state, and because congress has nowhere conferred such jurisdiction of the crime of the territory and jurisdiction, the United States had no jurisdiction.

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A STRONG POINT

In the New "Domestic" it is often done to say, "The *Constitution* is the best paper in its class, and in its class, simplicity, beauty of finish, and last (not least) by far exceeds its low price." We have no objection to this, but those who are reading a good machine. Our claim: The Best Machine is

MADE STRONGER

by our constantly increasing sales to ladies who have heretofore hesitated about using a machine until they saw the "Domestic."

CRAIG & CO.,
409 Market-st.

as Whitehead Street.

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